

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1389 of 2016

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Braj Bihari Singh son of late Laldhari Singh, resident of Village Dulhinganj, P.O. Saneya Bardhata, P.S. Jagdishpur in the District of Bhojpur Super Annuated as Science Teacher from Middle School Nawadah, Arrah, District Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar (through Shri Dharmendra Singh Gangwar, son of not known to the petitioner) Principal Secretary, Department of Education, Government of Bihar, Patna Office situated in New Secretariat Bihar, Patna, P.S. Sachivalaya, Patna.
2. Sri Birendra Prasad Yadav, son of Name not known to the petitioner, District Magistrate, Bhojpur, Arrah.
3. Shri Ramchandra Tudu, son of name not known to the petitioner, Director, Primary Education, Government of Bihar, office New Secretariat Building, Patna, P.S. Sachivalaya, Patna.
4. Smt. Usha Choudhary, D/O Name not known to the petitioner, Regional Deputy Director of Education, office situated at Patna.
5. Shri Suresh Prasad son of Name not known to the petitioner, District Education Officer, Arrah, Bhojpur.
6. Shri Suresh Prasad, son of Name not known to the petitioner, District Programme Officer, (Establishment), Bhojpur, Ara.

.... Respondent/s

with

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Miscellaneous Jurisdiction Case No. 1428 of 2016

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1. Kailash Prasad son of Late Vishwanath Prasad, Mohalla-Shitaltola, P.S. Ara Nagar, Post Aran, District Bhojpur.
2. Vijay Kumar, son of Late Fateh Narayan Singh, resident of Village + Post- Kurmuri, P.S.- Sikarhatta, Via-Piro, District- Bhojpur.
3. Srimannarayan Pandey, son of Late Akhilesh Pandey, resident of Village + P.O. Sikraul Fatehpur, P.S. Sikarhatta, Via- Piro, District-Bhojpur.
4. Rajesh Prasad Sah, son of Kamal Sah, resident of Village + Post Khajuriya, District – Bhojpur.
5. Dr. Ramakant Pandey, son of Late Rampravesh Pandey, resident of Village + Post Simari Dudhipatti, District- Bhojpur.
6. Dr. Satish Kumar son of Sri Rajnath Sah, resident of village Tari Mohalla, Ara, Ward No. 08, District Bhojpur.
7. Shambhu Prasad Gupta son of Late Haridwar Sah, resident of Village + Post Panapur, P.S. Karghar, District Rohtas.
8. Vijay Kumar Ram, son of Jag Narayan Ram, resident of Village + Post Mukundpur, P.S. Charpokhari, District Bhojpur.
9. Anand Mohan Nirala son of Sri Ram Prasad, resident of Village Bahari, Post Balbandh, District Bhojpur.
10. Pravin Kumar Srivastava son of Sri Umesh Prasad, resident of Chankyapuri, behind Batala Pipe Factory, Cant Road, Khagaul, District Patna.
11. Amrendra Kumar Shrivastava, son of late Pradyumn Sharan, resident of Village Akhtiyarpur, Post Chandwa, P.S. Udwant Nagar, District Bhojpur.
12. Vijay Kumar Singh son of Late Parshuram Singh, Lilawati Nilayam, Uttari



- Nawada Ara, District Bhojpur.
13. Rajesh son of Sri Ram Narayan Ram, resident of Village Bajruha, Post Udwant Nagar, District Bhojpur.
 14. Shiv Shankar Ram, son of Late Ram Nagina Ram, resident of Village Brahmpur, Post Kirkiri, P.S. Ajimabad, District Bhojpur.
 15. Ishwar Dayal Ram, son of Sri Kabilas Ram, resident of Village + Post Chamar, P.S. Ara Mufassil, District Bhojpur.
 16. Vinaya Kumar Sinha resident of Village Sri Vishnu Dayal Sinha, Vimala Nivas, LIG-96, Housing Colony, Ara, Post Chandwa, District Bhojpur.
 17. Saroj Kumar Kumar son of Sri Anandi Prasad, resident of Village Post Mahadeva, P.S. Nasariganj, District Rohtas.
 18. Rajiv Ranjan Sinha son of Late Siddhnath Sinha, resident of Village + Post Jamodhi, P.S. Piro, District Bhojpur.
 19. Gaya Prasad Singh son of Sri Vishram Singh, resident of Village Mahuaon, P.S. Bihia, District Bhojpur.
 20. Santosh Kumar Choudhary, son of Late Suraj Choudhary, resident of village + Post Dawan, P.S. Jagdishpur, District Bhojpur.
 21. Upendra Ram son of Jaj Ram, resident of Village Brahmpur, Post Kirkiri, P.S. Ajimabad, District Bhojpur.
 22. Angad Kumar son of Sri Ram Rekha Thakur, resident of village Sarangpur, Post Barka Dumara, P.s. Ara Mufassil, Block Ara, District Bhojpur.
 23. Moti Lal Ram son of Sri Sakal Ram, resident of village + Post Deo, Via- Tarari, District Bhojpur.
 24. Sanjiv Kumar Ghambhir son of Sri Upendra Prasad Sharma, resident of village + Post Achuara, Via= Barh, P.S. Barh, District Patna.
 25. Palanand Yadav son of Chandrika Yadav, resident of Village + Post Suhiyan, P.S. Shahpur, District Bhojpur.
 26. Mohammad Hesamuddin son of Mohammad Shahabuddin, resident of village Tirkaul, Post Sandesh, P.S. Sandesh, District Bhojpur.
 27. Mohammad Karim Ahmad son of Late Mohammad Yunush, resident of Mohalla Rahant Ka Kuan, Bindtoli, Post Ara Chawk, P.S. Ara, Nagar, District Bhojpur.
 28. Ganesh Sah, son of late Ram Pyare Sah, resident of Village Bhadeyan, Post Basantpur, P.S. Ara Mufassil, District Bhojpur.
 29. Virendra Kumar son of Late Ram Naresh Singh, resident of Mohalla Parki Gas Ageency, Ara, District Bhojpur.
 30. Ashok Kumar son of Sri Dular Chand Singh resident of Mohalla Maulabag Ara, Near S.B. College, District- Bhojpur.
 31. Mohalla Prasad Gupta, son of Sri Hari Govind Prasad, resident of Village Vikrampur, Post Kamriyaon, P.S. Tiar, District Bhojpur.
 32. Kamlesh Kumar, son of Late Braj Bihari Prasad, resident of village + Post Bihta, P.S. Imadpur, Block Tarari, District Bhojpur.
 33. Md. Kutubuddin Ansari son of Md. Sarajuddin Ansari, resident of Village Sikarhatta Khurd, Post Sikarhatta Kala, P.S. Sikarhatta, Block Tarari, District Bhojpur.
 34. Satyendra Narain Singh, son of Late Bachchu Singh, resident of Village Kamariyan, Post Chilhar, P.S. Ajimabad, Block Ajiaon, District Bhojpur.
 35. Ful Mohammad son of Late Alauddin Miyan, resident of Village Kaupa, Post Sakla Bazar, District Rohtas.
 36. Punit Kumar son of Late Kashi Nath Sharma, resident of village + Post + P.S. Tarari, District Bhojpur.
 37. Sarvesh Ram son of Late Jhagru Ram, resident of village Brahmpur (Lalanjee



- Ke Dera), Post + P.S. Brahmpur, District Buxur.
38. Arun Kumar son of Late Ram Narayan Mahto, resident of village Baliyari, Post Singhara, Via- Belhauri, District Patna.
 39. Kedar Mistry son fo Suchit Mistry, resident of village Post Korara, Via- Arwal, P.S. Paliganj, District Patna.
 40. Vinod Kumar son of Late Shital Prasad, resident of Village Sakhuana, Post Dularmchak, P.S. Sahar, District Bhojpur.
 41. Sunil Kumar Singh Son of Late Ram Deo Singh, C/o Ramji Singh, resident of Mohalla Anandi Bhushan, behind of Rice Mill East Anaith, Ara, District Bhojpur.
 42. Rajiv Ranjan son of Virendra Singh, resident of Mohalla Mahatma Gandhi Nagar, Katira, Ara, District Bhojpur.
 43. Rajesh Kumar Sinha, son of Suresh Kumar Srivastava, resident of Mohalla Jai Prakash Nagar, Katira Ara, District Bhojpur.
 44. Uma Kant, son of Sri Ram Pravesh Sharma, resident of village Katira, Ara, District Bhojpur.
 45. Hari Shankar Upadhyay son of Late Hridyanand Upadhyay, resident of village + Post Mainpura, District Bhojpur.
 46. Satish Kumar Prajapati son of Ram Dayal Prasad, resident of Mohalla Krishna Nagar Ara, North of Mufassil, P.S. District Bhojpur.
 47. Vishwanath Ram son of Bam Bahadur Ram, resident of village + Post Khajuriyan, P.S. Ara Mufassil, District Bhojpur.
 48. Manan Pathak, son of Ram Darash Pathak, resident of village – Kishunpura, Post Sri Palpur, District Bhojpur.
 49. Md. Emanul Haque, son of Shamsul Haque, resident of village Sikarhatta Khurd, Post + P.S. Sikarhatta, District Bhojpur.
 50. Prabhat Kumari wife of Hira Lal Singh, resident of Mohalla Jagdeo Nagar Gali No. 01, District Bhojpur.
 51. Vidyanand Prasad son of Late Jagdish Prasad, resident of Village + Post Raghunathpur, District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through Mr. G.S. Gangwar, the Principal Secretary, Education Department, Government of Bihar, Patna.
2. Mr. Ramchandra Tudu, the Director, Primary Education, Education Department, Bihar Patna.
3. Dr. Birendra Prasad Yadav, the District Magistrate, Bhojpur, Ara.
4. Smt. Usha Choudhary, the Regional Deputy Director of Education, Patna Division at Patna.
5. Mr. Suresh Prasad, the District Education Officer, Bhojpur, Ara.
6. Mr. Suresh Prasad, the District Programme Officer (Establishment), Bhojpur, Ara.

.... Respondent/s

with

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Miscellaneous Jurisdiction Case No. 1665 of 2016

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1. Harish Kumar, Son of Nimboo Lal, Resident of Village- Pakari Ara, P.S.- Nawada, District- Bhojpur.
2. Rajesh Prasad Gupta, Son of Sri Vindyachal Prasad, Resident of Village- Pitro,



- P.S. - Agiaw Bazar (Piro), District- Bhojpur (Ara).
3. Sunil Prasad, son of late Kamta Prasad, Resident of Mohalla- Nawada Chowk, Ara, P.S.- Nawada, District- Bhojpur (Ara).
 4. Sanjay Kumar Keshari Son of Late Ramchandra Prasad, resident of Village- Maulabagh, Ara, P.S.- Nawada, District- Bhojpur.
 5. Ramashray Singh, son of Dwarika Singh, resident of Village- Manaini, P.S.- Charpokhari, District- Bhojpur.
 6. Pramod Kumar Thakur, Son of Late Siyaram Thakur, resident of Village- Babhangawan, P.S.- Krishnagarh, District- Bhojpur.
 7. Vinod Ram, Son of Sheo Kumar Ram, Resident of Village- Mamarkhpur, P.S.- Krishnagarh, District- Bhojpur.
 8. Daya Shankar Roy, Son of Ram Prawesh Roy, resident of Village- Chhapara Par, P.O.- Farna, P.S.- Barahara, District- Bhojpur.
 9. Ritesh Kumar Mehta, Son of Late Kamta Prasad, resident of Mohalla- Nawada Chowk Ara, P.S.- Nawada Ara, District- Bhojpur.
 10. Amar Prasad Gupta, son of Shankar Prasad Gupta, resident of Village- Ganj Ossain, P.S.- Bihiya, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through Mr. G.S. Gangwar, the Principal Secretary, Education Department, Government of Bihar, Patna.
2. Mr. Ramchandra Tudu, the Director, Primary Education, Education Department, Bihar, Patna.
3. Dr. Birendra Prasad Yadav, the District Magistrate, Bhojpur, Ara.
4. Smt. Usha Choudhary, the Regional Deputy Director of Education, Patna Division at Patna.
5. Mr. Suresh Prasad, the District Education Officer, Bhojpur, Ara.
6. Mr. Suresh Prasad, the District Programme Officer, (Establishment), Bhojpur, Ara.

.... Respondent/s

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Appearance :

(In MJC No.1389 of 2016)

For the Petitioner/s : Mr. Subodh Kumar Sinha

For the Respondent/s : Mr.

(In MJC No.1428 of 2016)

For the Petitioner/s : Mr. Umesh Kumar Mishra

For the Respondent/s : Mr.

(In MJC No.1665 of 2016)

For the Petitioner/s : Mr. Umesh Kumar Mishra

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

Date: 14-09-2018



The aforesaid contempt applications have been filed alleging disobedience of the judgment dated 21.4.2009 passed by the learned Full Bench of this Court in LPA No. 985 of 1996 and other analogous cases.

2. The present batch of contempt petitions has been heard together with the consent of the parties inasmuch as all the petitioners of the aforesaid contempt petitions are posted as Assistant teachers/ teachers in the District of Bhojpur at Ara in the Government Middle School.

3. The learned counsel for the petitioners has alleged that fresh seniority list, as directed vide aforesaid judgment dated 21.04.2009 passed by the learned Full Bench, has not been prepared as far as the district of Bhojpur at Ara is concerned, hence, consequently promotions have also not been granted.

4. Per contra, the learned counsel for the opposite parties, referring to the show cause filed by them, has submitted that seniority list has already been prepared and as far as the district of Bhojpur at Ara is concerned, promotion has also been granted in the scale of Headmasters. It is further submitted that much water has flown down the river inasmuch as the seniority list/ the promotion granted to the teachers have been subsequently challenged by way of various writ



petitions and the learned Single Judge of this Court has already passed orders in the said writ petitions.

5. We have heard the learned counsel for the parties and have gone through the materials on record. We have also perused the earlier order passed by the learned Full Bench dated 14.01.2016, disposing of M.J.C. No. 1083 of 2014 (arising out of LPA No. 985 of 1996), wherein disobedience and non-compliance of the aforesaid judgment dated 21.04.2009 passed in LPA No. 985 of 1996 and other analogous cases had been alleged, however, the learned Full Bench had recorded the submissions of the learned counsel for the respondents/ opposite parties in the following words:-

“ The respondents/ opposite parties have submitted that they have complied with the directions given by the order, dated 21.04.2009, passed in L.P.A. No. 985 of 1996, by a Full Bench of this Court in respect of the districts in the State of Bihar except in respect of five districts, namely, Buxar, Arwal, Kishanganj, Samastipur and Begusarai. This apart, on a query made by this Court, Mr. Pawan Kumar, learned Assistant Counsel to Government Pleader No.2, has also submitted that in respect of the said five districts, necessary steps, as mandated by the order, dated 21.04.2009, aforementioned would also



be taken and the entire exercise would be completed within a period of two months from today.”

6. From the aforesaid order passed by the learned Full Bench dated 14.01.2016 passed in MJC No. 1083 of 2014, it is apparent that as far as the district of Bhojpur at Ara is concerned, the directions given by the learned Full Bench vide judgment dated 21.04.2009 had been complied with. Moreover, as demonstrated by the learned counsel appearing for the respondents/ opposite parties, it is clear that seniority list has already been published and promotions have also been granted. The learned counsel appearing for the petitioners has not controverted the said averments made by the opposite parties in their show cause. Lastly, we find that by efflux of time and coming into being, the new rules i.e. the Bihar Nationalized Elementary Schools Teachers Promotion Rules, 2011, the old rules i.e. the Bihar Taken Over Elementary School Teachers’ Promotion Rules, 1993 have been repealed, hence the petitioners are required to agitate their grievances, if any, under the new rules in accordance with law.

7. Having considered the facts and circumstances, we are of the view that as far as the district of Bhojpur at Ara is concerned, the judgment dated 21.4.2009 passed by the learned Full Bench in LPA No. 985 of 1996 has been fully complied with, hence,



the present contempt petitions are disposed of with liberty to the petitioners to take recourse to such remedies as are available under the law for agitating their grievances, if any.

(Mukeshkumar R. Shah, CJ)

(Ashutosh Kumar, J)

(Mohit Kumar Shah, J)

BTiwary/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24-09-2018
Transmission Date	

